

REMARKS

Claims 1-89 are all the claims pending in the application.

Claim 42 has been amended to correct a typographical error.

New claim 90 has been added.

Applicant notes that the Office Action refers to the inventor as “Piero **G**RETTI.”

However, as shown in the declaration and issued patent, his name is “Piero **C**RETTI.” The

Examiner is requested to correct the record to reflect the correct spelling.

Defective Declaration

The Examiner alleges that the reissue declaration filed with this application is defective because the error which is relied upon to support the reissue application is no an error upon which a reissue can be based. The Examiner argues that there is no error because only narrower claims have been added. Applicant disagrees, however, Applicant is submitting a supplemental reissue declaration which identifies the error as claiming less than he had a right to claim in the patent.

Specifically, new claim 90 is broader than issued claim 42 as shown below.

42. A construction assembly comprising: a plurality of element of expanded plastics arranged side-by-side, said element including: a) a central body, substantially parallelepipedic in shape, provided with opposite upper and lower faces and with opposite lateral sides; b) at least one reinforcing section bar transversely extending across the central body between said upper and lower faces and embedded in the expanded plastics; c) a sheet-like member for supporting at least one layer of a suitable covering material, said sheet-like member being associated to a fin of said reinforcing section bar lying flush with and substantially parallel to at least one of the faces of said construction element; a concrete casting housed in a cavity defined between said opposite lateral sides of adjacent element of said plurality of elements of expanded plastics; and means for stably anchoring the sheet-like member to said concrete casting.	90. A construction assembly comprising: a plurality of elements of expanded plastics arranged side-by-side, said element including: a) a central body, substantially parallelepipedic in shape, provided with opposite upper and lower faces and with opposite lateral sides; b) at least one reinforcing section bar embedded in the expanded plastics; c) a sheet-like member for supporting at least one layer of a suitable covering material, said sheet-like member being associated to a fin of said reinforcing section bar; a concrete casting housed in a cavity defined between said opposite lateral sides of adjacent element of said plurality of elements of expanded plastics; and means for stably anchoring the sheet-like member to said concrete casting.
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In the March 1, 2000 Amendment of the parent application, Applicant argued that claim 42 [85] was different from the prior art because “none of the applied prior art references teaches or suggest the *means for anchoring* the sheet-like member to the concrete casting” (emphasis added) thereby further improving the fire-resistant properties. As shown above, the limitation “means for stably anchoring” which was used to argue patentability is still present in current claim 90, and thus, there should be no recapture issue and it should still be allowable over the art of record.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/681,354

Attorney Docket No.: Q77902

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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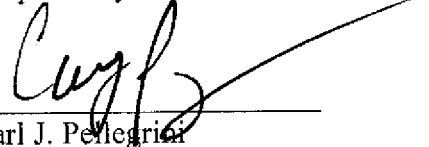
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CUSTOMER NUMBER

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Respectfully submitted,



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